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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,668	11/25/2003	Herwig Schretter	P/3453-12	7721

2352 7590 03/05/2007
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EXAMINER	
COOLMAN, VAUGHN	
ART UNIT	PAPER NUMBER
3618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/722,668	SCHRETTER, HERWIG	
	Examiner	Art Unit	
	Vaughn T. Coolman	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 December 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 10-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 10-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/11/2006 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6, 7, and 10-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godde et al (U.S. Patent No. 6,848,703 B2) in view of Reich (U.S. Patent No. 5,525,083).

[claim 1] Godde further discloses the guide element being secured to at least one of the fastening elements (at 12) in a positionally fixed manner with limited mobility to at least one other fastening element (at 13) to permit deflection of the sliding board unimpeded by said guide element (Column 6, lines 13-32).

[claim 20] Godde discloses (see all FIGS, esp. FIGS 7, 13) a sliding board (1) comprising:

a sliding board having an upper side and a lower side, and a running surface;

at least one guide element (18, 19) for arranging at least one binding element on the upper side of the sliding board;

the guide element being connected to the sliding board via a plurality of fastening elements (Column 5, lines 63-67);

the guide element being secured (at 12) to the sliding board by at least one of the fastening elements in a positionally fixed manner;

the guide element being secured to the sliding board with limited mobility in the longitudinal direction of the sliding board by at least one other fastening element;

Godde is silent as to whether the core shown in FIG 7 is a "foamed core". Examiner notes that foamed cores are conventional in the sliding board art. Reich teaches a sliding board (29) having an upper side (50) and a lower side, a running surface, and a foamed core (48). Reich also teaches a guide element (31) connected to the sliding board via fastening elements (37, 38). Reich states that the "internally threaded cylindrical inserts 38 which are embedded in the body of the ski". Coupled with the assembly drawing (FIG 7), it is obvious that at least one fastening element has been integrated into and held in the foam of the core exclusively by foaming of the core and hardening of the foam. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the sliding board shown by Godde with the fastening elements embedded in a foamed core as taught by Reich, since such a modification would provide the advantage of eliminating the screw-type connection of other

conventional skis that is subject to stripping, overtightening, and other common issues with screw-type fasteners.

[claim 21] Godde discloses (see all FIGS, esp. FIGS 7, 13) a sliding board (1) comprising:

a sliding board having an upper side and a lower side, and a running surface;

at least one guide element (18, 19) for arranging at least one binding element on the upper side of the sliding board;

the guide element being connected to the sliding board via a plurality of fastening elements (Column 5, lines 63-67);

the guide element being secured (at 12) to the sliding board by at least one of the fastening elements in a positionally fixed manner;

the guide element being secured to the sliding board with limited mobility in the longitudinal direction of the sliding board by at least one other fastening element;

Godde is silent as to whether the core shown in FIG 7 is a "foamed core". Examiner notes that foamed cores are conventional in the sliding board art. Reich teaches a sliding board (29) having an upper side (50) and a lower side, a running surface, and a foamed core (48). Reich also teaches a guide element (31) connected to the sliding board via fastening elements (37) that are anchored to separate parts (38). Reich states that the "internally threaded cylindrical inserts 38 which are embedded in the body of the ski". Coupled with the assembly drawing (FIG 7), it is obvious that the separate parts (38) have been integrated into the foam of the core by foaming of the core and hardening of the foam. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the sliding board shown by

Godde with the fastening elements embedded in a foamed core as taught by Reich, since such a modification would provide the advantage of eliminating the screw-type connection of other conventional skis that is subject to stripping, overtightening, and other common issues with screw-type fasteners.

[claim 2] Godde further shows the guide element being arranged in a positionally fixed manner in one of its end regions in the longitudinal direction.

[claim 3] Godde further shows (FIG 13) said end region being that end region which lies closer to the center of the sliding board.

[claim 4] Godde further shows the fastening element arranging the guide element in a positionally fixed manner being firmly connected to the guide element.

[claim 6] Godde further shows the other fastening element holding the guide element fixed at least in the vertical direction and in the transverse direction of the sliding board (Column 6, lines 16-21).

[claim 7] Godde further shows the other fastening element being anchored firmly in the sliding board, the guide element being arranged for limited movement in the longitudinal direction in relation to said other fastening elements (Column 6, lines 13-16).

[claim 10] Godde further discloses the guide element has a receiving location (13) for the other fastening elements, which receiving location has clearances in the longitudinal direction of the sliding board for limited mobility of the guide element in relation to the sliding board.

[claim 11] Godde in view of Reich discloses all of the elements of the claimed invention as described above except for the other fastening element being arranged for limited movement together with the guide element in relation to the sliding board. However, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to modify the sliding board shown by Godde as modified by Reich, with the rearrangement of working parts such that the clearance, or play, providing the means for limited longitudinal movement is located on the sliding board rather than the guide element. Applicant has not disclosed that this specific arrangement as claimed solves any stated problem or is for any particular purpose, other than that encompassed by the embodiment of claim 20, and it appears that the invention would perform equally well in either embodiment. Therefore, the combination of Godde and Reich in combination with routine skill in the art would teach the guide element, together with the other fastening element, being arranged for limited movement in the longitudinal direction in relation to the sliding board.

[claim 12] The combination would disclose the claimed invention with a simple reversal of parts wherein the receiving element of Godde (13), shown on the guide element, is integrated by foaming of the core and hardening of the foam as taught by Reich, and the other fastening element, the screw, is located in the interior of the sliding board, arranged for limited movement on said receiving part, and attached to the guide element, rather than the screw being embedded in the sliding board and the receiving element being located on the guide element. The reasons one of ordinary skill in the art would reverse the locations of the working elements is described above in re claim 11.

[claim 13] Both Godde and Reich show the receiving part provided in the interior of the sliding board for the fastening element being a component of a framework.

[claim 14] Godde further shows the receiving part (13) having a receiving opening in which the other fastening element is held in a positionally fixed manner at least in the vertical

direction and in the transverse direction (Column 6, lines 16-21). The reversal of parts described in re claim 12 renders this configuration obvious to one having ordinary skill in the art at the time the invention was made.

[claim 15] Examiner notes that the upper skin (50) of Reich and the upper skin (4) of Godde are each fixed relative to the sliding board. Therefore, in addition to the other fastening element being arranged for limited movement in the longitudinal direction of the sliding board in the receiving opening of the receiving part, the other fastening element is arranged also for limited movement in relation to the upper skin.

[claim 16] Examiner notes that the upper skin (50) of Reich and the upper skin (4) of Godde are each fixed relative to the sliding board. Therefore, in order to achieve the longitudinal movement recited in claims 12 and 14, the opening in the upper skin must compliment and match the opening in the receiving part. This would be obvious to one having ordinary skill in the art at the time the invention was made. Therefore, the combination would disclose a clearance being provided in the longitudinal direction of the sliding board in an opening in the upper skin passed through by the other fastening element and in the receiving opening.

[claim 17] Godde further discloses the other fastening element being held or anchored in the receiving part in the interior of the sliding board (see in re claim 12) by snapping-in or locking. Examiner notes that screw-type fasteners use a friction-ramp locking system. Furthermore, snap fasteners of the type disclosed in the instant application are a common hardware replacement for screw-type fasteners.

[claim 18] Godde further discloses the fastening elements being arranged in openings formed in the upper side.

[claim 19] Godde further discloses the guide element being secured to at least one of the fastening elements (at 12) in a positionally fixed manner and with limited mobility to at least one other fastening element (at 13) to permit deflection of the sliding board unimpeded by said guide element (Column 6, lines 13-32).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Godde in view of Reich and further in view of Piegay (U.S. Patent No. 5,836,604).

[claim 5] Godde in view of Reich discloses all of the elements of the claimed invention as described above except for the fastening element arranging the guide element in a positionally fixed manner being made in one piece with the guide element.

Piegay teaches a fastening element (16) arranging a guide element (17) in a positionally fixed manner being made in one piece with the guide element (see FIG 2). Piegay also shows the alternative in FIG, similar to that taught by Godde in view of Reich, wherein the fastening element (21) attaches a guide element (23) in a positionally fixed manner and the guide element, the receiving element (22), and the fastening element are all separate pieces. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus shown by Godde in view of Reich with the integration of the fastening element with the guide element as taught by Piegay in order to provide the advantage of reduced manufacturing and assembly costs.

Response to Arguments

Applicant's arguments with respect to claims 20 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Piegay (U.S. Patent No. 5,865,459) discloses embedding fastening elements in a foamed core.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vaughn T. Coolman whose telephone number is (571) 272-6014. The examiner can normally be reached on Monday thru Friday, 8am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

03/01/07

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